

VIA ECF

The Honorable Arun Subramanian
United States District Judge
United States District Court, Southern District of New York
500 Pearl Street, Courtroom 15A
New York, NY 10007

April 27, 2025

Re: *United States, et al. v. Live Nation Entertainment, Inc., et al.*, No. 1:24-cv-03973

Dear Judge Subramanian:

Plaintiffs write to more fully explain Plaintiffs' opposition to Defendants' request that the Court grant Defendants a two-week extension of Defendants' deadline to respond to Plaintiffs' motion concerning bifurcation. ECF No. 525.

Plaintiffs' expert disclosures are due on July 28, 2025. The Court's ruling on Plaintiffs' motion to bifurcate will have a significant impact on the scope of those expert disclosures. As Defendants note, the bifurcation motion will raise substantial and complex issues concerning the way in which this case will be tried. Plaintiffs respectfully submit that a further two-week extension of the briefing schedule for this motion will either truncate the time the Court has to consider the motion or require Plaintiffs to submit one or more expert reports in July with opinions that may be premature.

Plaintiffs raised the issue of bifurcation on February 18, 2025. It then took two months for Defendants to give a firm position on bifurcation. Plaintiffs advised the Court that bifurcation was a live issue during the March 13, 2025 status conference and the Court set a briefing schedule that called for opening briefs to be filed by April 14, 2025. On April 3, Defendants for the first time made a counterproposal, which the Parties discussed in two separate meetings. Plaintiffs sought an extension of the April 14 deadline because, despite Defendants' delay in responding, once they provided some details on their position, the Parties were able to engage in constructive discussions that suggested that an agreement potentially was within reach and that motion practice could be avoided.

Defendants have articulated no good reason why the Court's usual briefing schedule provides insufficient time for Defendants to file a response. Defendants are well-aware—after months of meeting and conferring—of Plaintiffs' position on bifurcation. Defendants have now had more than ample time to solidify their position on bifurcation and hone their arguments. While the parties might have joined issue on trial structure sooner had Defendants provided a more complete explanation of their position, they cited case law in support of it as early as March 7. As our forthcoming motion will make clear, Plaintiffs disagree with Defendants' legal position, but they had evidently researched it. With no deadline modification, they will have had another two months since then to further refine that position.

Accordingly, Plaintiffs respectfully request that the Court deny Defendants' two-week extension request.

Respectfully submitted,

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